

The Mack Firm
Mack Press Esq.
9 Pimlico Court
Commack, NY 11725
516.330.7213 mack@mackpress.com

November 6, 2019

The Honorable Madeline Cox Arleo
United States District Judge
King Fed. Bldg. & United States Courthouse
50 Walnut St., P.O. Box 999
Newark, New Jersey 07101-0999

Re: White, et al. v. Samsung Electronics America Inc., et al., Case No. 17-1775 (MCA) (JAD)

Dear Your Honor:

I write to contest Defendants' recent application to the Court seeking permission on behalf of Defendants to file an additional Reply brief respecting Defendants' Motion To Reconsider Or, In The Alternative Motion To Certify Order of August 21, 2019 For Interlocutory Review Pursuant To 28 U.S.C. § 1292(b) (collectively, "Motion For Reconsideration").

First, as the Defendants themselves correctly point out in their November 4, 2019 Letter to the Court, under New Jersey Local Civil Rule Rule 7.1(d)(3) — specifically with regard to Motions For Reconsideration — no reply brief is permitted or may be filed "unless the Court otherwise orders." Since the Court in this case has not ordered that Defendants shall have the right to file a Reply brief, the Reply Brief filed by Defendants should be swiftly rejected by the Court under Rule 7.1(d)(3). Moreover, no exception to the New Jersey rule regarding motions for reconsideration applies to Defendants in this case.

Second, in the Court's August 21, 2019 Order respecting Plaintiffs' Second Amended Complaint, the Court has already ruled on the exact factual issues that Defendants attempt to reargue by way of their Motion For Reconsideration and also by way of the instant application and purported Reply Brief. Even though the Defendants have already made the exact same arguments (which the Court disagreed with) in their previous *four* bites at the apple (*i.e.*, Defendants' Motion To Dismiss brief; Motion To Dismiss Reply brief, Motion For Reconsideration brief, and Motion For Interlocutory Review brief), Defendants simply seek a *fifth* bite at the same apple by way of their instant application for a Reply Brief on their Motion For Reconsideration.

As fully briefed by Plaintiffs in the Opposition Brief submitted to the Court, however, Defendants are simply not entitled to another bite at the apple at this stage of the proceedings. For that reason also, the Court should deny Defendants' instant application for permission to file a Reply Brief on Defendants' Motion For Reconsideration.

Respectfully /s/ Mack Press
Mack Press
Counsel for Plaintiffs

cc: All Counsel via ECF